

REMARKS/ARGUMENTS

Claims 1 – 2 and 4 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks. Claims 3 and 5 have been cancelled without prejudice or disclaimer.

In the outstanding Office Action, the Examiner indicated that claim 5 would be allowable if rewritten in independent form; rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,571,171 to Blank et al. (hereinafter referred to as “the Blank et al. ‘171 patent”); and rejected claims 2 and 4 under 35 U.S.C. §103(a) as being unpatentable over the Blank et al. ‘171 patent in view of U.S. Patent No. 3,868,202 to Valyi (hereinafter referred to as “the Valyi ‘202 patent”) and U.S. Patent No. 3,685,943 to Fischer (hereinafter referred to as “the Fischer ‘943 patent”).

By this Response and Amendment, claim 1 has been amended to recite the features of allowable claim 5. It is respectfully submitted that no new matter has been introduced to this application within the meaning of 35 U.S.C. §132.

Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claim 1 as being unpatentable over the Blank et al. ‘171 patent. The Examiner also rejected claims 2 and 4 as being unpatentable over the Blank et al. ‘171 patent in view of the Valyi ‘202 patent the Fischer ‘943 patent.

Response

Claim 1 has been amended and, as amended, the rejections thereto are respectfully traversed. To establish a *prima facie* case of obviousness, the Examiner must establish that the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18

USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

The Examiner indicated that claim 5 would be allowable if rewritten to include the features of the base claim and any intervening claim. By this Response and Amendment, claim 1 has been amended to include the features of allowable claim 5, thereby incorporating the allowable subject matter of claim 5.

Applicants therefore assert that claim 1 and the respective claims dependent thereon are allowable as all claims now contain allowable subject matter. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections.

CONCLUSION

In light of the foregoing, Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,
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